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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,820	09/26/2001	David G. Leeper	ITL.1799US (P10398)	2634
47795. 7590 11/15/2007 TROP, PRUNER & HU, P.C. 1616 S. VOSS RD., SITE 750 HOUSTON, TX 77057-2631			EXAMINER BOLOURCHI, NADER	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/964,820

Applicant(s)

LEEPER, DAVID G.

Examiner

Nader Bolourchi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-12,14-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Remarks

1. Applicant's amendment dated 7/18/2007 is entered.
2. Claim rejections under 35 USC § 103 are withdrawn.
3. All claims are rejected under 35 USC § 102 or 103.

### Response to Arguments

4. Applicant's arguments, see Remarks, filed 1/23/2007, with respect to the rejection(s) of claim(s) 1-3, 5-12, 14-17, and 23-25 under Denher have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Denher et al. (US 2003/0035464).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 5-12, 14-17, and 23-25 are rejected under 35 U.S.C. 102(e) as anticipated by Denher et al. (US 2003/0035464).

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Regarding claims 1 and 14, Denher et al. (hereinafter "Denher") discloses polling a first master transmitting device with a second master transmitting device (Fig. 1: 103 and 105; par. 16: lines 1-4; par. 20: lines 1-6) to determine a hopping sequence of the first master transmitting device ("ID for the NAP" in par. 23: lines 24-27; par. 18: lines 11-15; par. 22: lines 7-9); polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device ("schedule for CU 111" in par. 23: lines 24-27).

Regarding claim 2, Denher further discloses polling the first master transmitting device includes polling the first master transmitting device across a local area network ("wireless LAN" in par. 22: lines 17)

Regarding claims 3 and 16, Denher further discloses polling the first master transmitting device includes polling the first master transmitting device with a wireless communication (Fig. 1; par. 17; "wireless LAN" in par. 22: lines 17).

Regarding claim 5, Denher further discloses informing the first master transmitting device of communication characteristics of the hopping sequence of the second master transmitting device ("ID for the NAP" in par. 23: lines 24-27; par. 18: lines 11-15; par. 22: lines 7-9).

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Regarding claim 7, Denher further discloses polling the first master transmitting device includes polling a device selected from the group consisting of an access point, a base station, a network node, and a terminal (par. 17).

Regarding claims 6 and 9, Denher discloses transferring responsibility to provide communication between a network and a slave transmitting device from the second master transmitting device to the first master transmitting device ("offering to provide assistance" in par. 24: lines 10-29)

Regarding claims 8 and 25, Denher further discloses determining if a signal strength between a slave transmitting device and the second master transmitting device is approaching a predetermined threshold ("predetermined level" in par. 23: lines 5:20).

Regarding claims 10 and 17, Denher discloses polling the first master transmitting device includes updating a table of near neighbors ("periodically updated locally" in par. 22: lines 7-19)

Regarding claims 11 and 12, Denher further discloses changing the hopping sequence of the first master transmitting device so that master transmitting devices can communicate with a slave transmitting device ("first frequency pattern" in par 24: lines 10-25)

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Regarding claims 15 and 24, Denher further discloses polling the first master includes transmitting a packet over the network ( par 25: lines 1-5).

Regarding claim 23, Denher discloses: a storage medium having stored instructions that are executable ("the controller controlling the operation" in par 34: lines 5-9; "controllers 143, 163" and "153" in par. 17); notifying a first master of the hopping sequence of a slave with a second master ("ID for the NAP" in par. 23: lines 24-27; par. 18: lines 11-15; par. 22: lines 7-9;"schedule for CU 111" in par. 23: lines 24-27); polling the first master to determine if the first master is receiving a signal from the slave device ("schedule for CU 111" in par. 23: lines 24-27).

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Flammer et al. (US 6,298,053).

### ***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nader Bolourchi whose telephone number is (571) 272-8064. The examiner can normally be reached on M-F 8:30 to 4:30.

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4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David. C. Payne can be reached on (571) 272-3024. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Nader Bolourchi

10/27/2007

  
DAVID C. PAYNE  
SUPERVISORY PATENT EXAMINER